IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 21722 of 1994

Between:

J.Sudershan, s/o J.Aron, aged 30 years, Occ: un-employed,

R/o Warangal, H.No.14-7-90.

..... PETITIONER

AND

1.The Executive Director, Warangal District Scheduled Castes

Service Co-operative Society Limited, Warangal.

2. The District Collector, Warangal District & President, Warangal District

Scheduled Castes Service Co-operative Society Limited, Warangal.

3. The Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court,

Warangal.

(Petition against R1 and R2 is dismissed for default

vide Court order dt.15.12.1999)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the 1st and 2nd respondents and issue a writ, order or direction particularly one in the nature of writ of certiorari and quash the Award passed by the 1st respondent in I.D.No.117/91, dated 21.9.1993, published on 30.12.1993 in so far as it relates to the denial of petitioner's past service for the period from 4.2.85 to 25.7.1989, holding the same as illegal, unjust, contrary to law and perverse and grant him the consequential relief of counting his past service from 4.2.85 to 25.7.1989 as continuity of service for all purposes.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following :

O R D E R:

This Writ Petition is filed challenging the Award of the Industrial Tribunal-Cum-Labour Court in I.D.No.117 of 1991, dated 21-09-1993, published in the Gazette dated 30-12-1993.

2. The petitioner was working in the second respondent-cooperative society as Typist-cum-Section Writer from 04-02-1985. His services were illegally terminated from 01-07-1987. Therefore, he raised industrial dispute before the Tribunal in I.D.No.117 of 1991 under Section 2-A(2) of the Industrial Dispute Act.

3. The learned Tribunal after adjudicating the matter passed an Award directing the management to reinstate the petitioner into service with continuity of service from 01-08-1990 and full back wages from 01-08-1990 onwards.

4. The said Award is challenged by the Workman insofar as denial of past service from 04-02-1985 to 25-07-1989. The learned counsel for the petitioner submits that

when the order of termination is invalid, he is entitled to reinstate into service, restoring his past service right from the date of initial appointment. Therefore, the Award is liable to be set aside.

5. I cannot accept the contention of the petitioner that the tribunal having found that the termination of his service from 01-08-1990 was illegal granting full back wages from 01-08-1990 onwards and consequential continuity of service was only restored from 01-08-1990, and such an Award cannot be said to be illegal and contrary to Law and suffers from an error on the face of the record. Thus, I do not find any merits in this Writ Petition.

6. The Writ Petition is accordingly dismissed. No costs.

_____

G.BIKSHAPATHY,J.

Date: 30th September 2004

BSB/PRV

To

1.The Executive Director, Warangal District Scheduled Castes Service Co-operative Society Limited, Warangal.

2. The District Collector, Warangal District & President, Warangal District Scheduled Castes Service Co-operative Society Limited, Warangal.

3. The Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Warangal.

4.Two CCs to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.